

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALDEN HARMEN CHEE,

Defendant.

ORDER

AND

MEMORANDUM DECISION

Case No. 2:05cr773

On July 19, 2007, Defendant Alden Harmen Chee filed a motion for release from prison. Mr. Chee argues that he will likely prevail on appeal and that he is older and suffers from ailing health. But in the United States' memorandum in opposition, it correctly states that because Mr. Chee has been found guilty of a crime of violence, he is not subject to release. See 18 U.S.C. § 3143(b)(2). The United States is also correct that Mr. Chee did cite and quote § 3143(b)(1) but failed to include paragraph (2), which specifically prohibits Mr. Chee's release.

Section § 3143(b)(2) states that the court shall order a person detained pending appeal if that person has been convicted in a case described in 18 U.S.C. § 3142(f)(1)(A), which includes crimes of violence for which the maximum term is 10 years or more. Mr. Chee was found guilty of Aggravated Sexual Abuse, which is clearly a crime of violence. See 18 U.S.C. § 16(a) (defining a crime of violence as a crime that includes as an element the use or attempted use of physical force).

Moreover, the court does not agree that Mr. Chee will prevail on appeal to the Tenth

Circuit.

ORDER

For the foregoing reasons, the court orders as follows:

Defendant Alden Harmen Chee's Motion for Release (Dkt. # 107) is DENIED.

DATED this 2nd day of August, 2007.

BY THE COURT:


TENA CAMPBELL